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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,756	08/30/2001	Paul Bernell Finley JR.	AUS9-2001-0342-US1	9989

7590 03/09/2005

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EXAMINER
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ZHOU, TING

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,756

Applicant(s)

FINLEY ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-15 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-15 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The amendment filed on 22 December 2004 have been received and entered. The applicant has cancelled claims 7-8, 16-17 and 24-25. Claims 1-6, 9-15, and 18-23 as amended are pending in the application.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-15, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by DeStefano U.S. Patent 6,075,531.

Referring to claims 1, 9 and 18, DeStefano teaches a system, method and computer program comprising user controlled means for moving an on-screen pointer to approach the selectable items (operation of the pointer in normal mode for conventional operation of a user controlled pointer in a GUI environment, such as moving the pointer towards a window on the display to select/move/resize the window) (column 5, lines 29-36 and column 6, line 67 through column 7, lines 1-2), means for providing a rectilinear scope of display screen area adjacent the moving pointer within which scope of the items are enabled for user selection (providing a grip span that depends upon the proximity range, or scope of the pointer; the grip span can be represented by any of a plurality of geometric shapes) (column 9, lines 14-54), and means for

Art. Unit: 2173

enabling a user to interactively modify the scope of the moving pointer (the scope, or proximity range/grip span of the pointer is customizable by a user) (column 9, lines 14-21 and 31-37).

Referring to claims 2, 10 and 19, DeStefano teaches the items are icons (items displayed on the screen of the GUI can be a plurality of items such as windows, icons, etc.) (column 4, lines 37-43).

Referring to claims 3, 11 and 20, DeStefano teaches the scope may be modified without changing the image of the pointer (the proximity range/grip span of the pointer, represented by the circle around the pointer in Figure 11 can be customized by the user, for example, the user can change the scaling factor that determines the radius of the proximity range, while the image of the pointer, i.e. the image of the hand in Figure 11 remains unchanged).

Referring to claims 4, 13 and 21, DeStefano teaches the scope may be modified by changing the geometric configuration of the scope (geometric shapes other than circles can be used to represent the proximity range/grip span) (column 9, lines 46-54 and Figure 16).

Referring to claims 5, 14 and 22, DeStefano teaches the scope may be modified by changing the size of the scope (changing the radius of the circle representing the proximity range/grip span of the pointer) (column 9, lines 31-37).

Referring to claims 6, 15 and 23, DeStefano teaches the scope may be modified by changing the position of the scope (the proximity range/grip span can also be variable depending on the position, or distance to the closest window, of the pointer) (column 9, lines 41-45).

Referring to claim 12, DeStefano teaches displaying the scope of the moving pointer on the display screen prior to modification (the proximity range/grip span of the pointer in the move/resize mode can be displayed on the screen for user customization) (column 8, lines 15-21,

Art Unit: 2173

column 9, lines 14-37 and Figure 11) and removing the scope from the display screen after modification (after the user has customized the proximity range/grip span of the pointer, the user can put the pointer in normal mode to remove the displayed proximity range) (column 6, line 67 through column 7, lines 1-2 and column 7, lines 32-38).

### ***Response to Arguments***

3. Applicant's arguments filed 22 December 2004 have been fully considered but they are not persuasive:

4. The applicant asserts that DeStefano fails to teach a scope may be rectilinear, and that while DeStefano sets forth that the area scope may be represented by a plurality of geometric shaped in general, a rectilinear shape is not expressly or impliedly set forth. The examiner respectfully disagrees. According to the *Merriam-Webster Online* dictionary (<http://www.m-w.com/>), the definition of the words "rectilinear" and "geometric" are:

Main Entry: **rec·ti·lin·e·ar** 

Pronunciation: "rek-t&-li-nE-&r

Function: *adjective*


Etymology: Late Latin *rectilineus*, from Latin *rectus* + *linea* line

1 : moving in or forming a straight line <rectilinear motion>


2 : characterized by straight lines <the rectilinear skyline of a modern city>

3 : **PERPENDICULAR** 3

- **rec·ti·lin·e·ar·ly** *adverb*

Main Entry: **geo·met·ric** 

Pronunciation: "jE-&-me-trik

Variant(s): *or* **geo·met·ri·cal**  /-me-tri-k&l/

Art Unit: 2173

Function: *adjective***1 a** : of, relating to, or according to the methods or principles of geometry**b** : increasing in a geometric progression <*geometric* population growth>**2 capitalized** : of or relating to a style of ancient Greek pottery characterized by geometric decorative motifs**3 a** : utilizing rectilinear or simple curvilinear motifs or outlines in design**b** : of or relating to art based on simple geometric shapes (as straight lines, circles, or squares) <*geometric* abstractions>- **geo·met·ri·cal·ly** /-tri-k(&-)lE/ *adverb*

As can be seen from the above definitions, a rectilinear shape is simply a shape that is formed by straight lines, which is included in the definition of a geometric shape. Since DeStefano teaches an area scope that may be represented by a plurality of geometric shapes, and by definition, geometric shapes includes rectilinear shapes, the examiner respectfully contends that DeStefano teaches the scope may be rectilinear.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

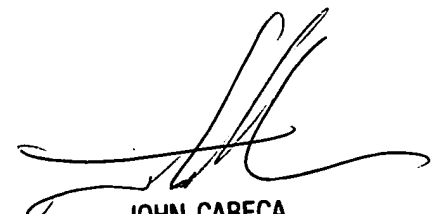
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



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